

REMARKS

Claims 1-8 remain pending after amendment.

Claim Amendments

Claims 1 and 2 are amended to more clearly describe the claimed invention. Support for the noted amendments resides at least at paragraph [0012] and Figures 2A and 2B. No new matter is added by this amendment.

Applicants' Invention

The present invention provides for an advantageous diaper, which possesses unexpectedly good properties relating to fitability and sustained fit, as evidenced by properties such as fit, ease of putting on a wearer and resistance to sagging (see Table 1 at page 13 of the specification).

The advantages possessed by the claimed diaper results in part from use of a plurality of body-surrounding elastic members that are disposed at side portions of the diaper, wherein the body-surrounding elastic members are not disposed in at least a center portion of a body-surrounding portion wherein an absorbent core exists, and wherein the body-surrounding elastic members are disposed between an outer sheet which constitutes an outermost surface of the diaper and the anti-leakage sheet of the diaper.

By utilizing such a construction, fitability of the diaper is greatly improved, and at the same time bunching of the absorbent core is avoided, which produces other advantageous effects as discussed in the application.

Rejection of Claims 1, 4 and 6-8 Under 35 USC 103(a)

Claims 1, 4, and 6-8 stand rejected under 35 USC 103(a) as being unpatentable over Watanabe et al '353 in view of Coates '583.

This rejection respectfully is traversed.

In support of the rejection, the Examiner takes the position that "it would have been obvious to one of ordinary skill in the art at the time of invention to construct the article of Watanabe with a pair of cuffs, as taught by Coates, to provide the article with improved leak protection."

However, despite the Examiner's assertion, the sole distinction between the claimed invention and the reference is not merely the absence of a pair of cuffs.

Applicants initially note that the method by which the body-surrounding elastic members 71a, 71b are disposed around the exterior member 11 differs from that of the cited reference. Also, the newly-added limitation in which the anti-leakage sheet 3 is disposed between the inner sheet 13 and the absorbent core 4 is different from that of the cited references.

Further, the body-surrounding elastic members 71a, 71b is consecutively disposed in a stretched state between the outer sheet 12 and the inner sheet 13 to form the exterior member 11, and then, the body-surrounding elastic members 71a, 71b are cut and only extend to the middle position of the diaper where the absorbent core 4 is disposed.

When the body-surrounding elastic members 71a, 71b are cut, scratches or slits sometimes may be formed at a portion of the inner sheet 13. In the present invention, the anti-leakage sheet 3 is disposed between the absorbent core 4 and the inner sheet 13 to prevent the leakage from the absorbent core 4 if scratches or slits are formed.

Watanabe et al is directed to a disposable diaper having a central absorbent portion and body-surrounding elastic members. The elastic members may either fully encompass the diaper, or be only on two sides of the diaper adjacent to the absorbent portion. Applicants discuss the Watanabe et al reference at page 1 of the specification.

Further, in Watanabe, the body-surrounding elastic members 71 are not cut at the middle position of the diaper after it is disposed on the outer sheet 12. In addition, the reference fails to teach or suggest the presence of an inner sheet 13 and another liquid-impermeable anti-leakage sheet which is disposed between absorbent 4 and the body-surrounding elastic members 16,

corresponding to the body-surrounding elastic members 71 of the present invention.

Watanabe et al fails to disclose or suggest the presence of the recited cuffs or flaps as required by claim 1, nor is there any teaching or provision in Watanabe for body-surrounding elastic members "both disposed between and joined to an inner sheet and an outer sheet of an exterior member". In applicants' invention, opposing ends of the exterior member extend beyond and are folded over and onto opposite ends of the absorbent core as well as the ends of the cuffs or flaps - limitations not taught by the reference.

Further, it is noted that the teachings of Watanabe et al fail to provide any motivation to arrive at a diaper of the present invention, having body-surrounding members "*both disposed between and joined to an inner sheet and an outer sheet of an exterior member*". Absent such motivation in the cited art, it also follows that the teachings of Watanabe et al cannot form a proper basis for rejecting claim 1 or any claims that depend therefrom under the provisions of 35 USC 103(a).

Applicants note the Examiner's statement at page 7 of the Action that "the exterior member [of applicants' invention] is not further defined in the instant claims." In response, claims 1 and 2 are amended to define the exterior member as being "*adjacent the anti-leakage sheet, the exterior member comprised of an inner sheet*

adjacent the anti-leakage sheet and an outer sheet adjacent said inner sheet." Applicants believe that claims 1 and 2, as amended, now more clearly distinguish over the teachings of Watanabe with respect to the "exterior sheet" aspect of the invention.

The Coates reference is cited to teach the use of cuffs or flaps in a diaper, but fails to overcome the deficiencies of Watanabe. The reference is directed to a protective undergarment such as a diaper. The reference discloses the use of elastic sling 14, which runs along the longitudinal length of the diaper and holds a removable absorbent pad 19 in place.

In this regard, applicants submit that the design of the sling and its manner of operation differ from that of applicants' claimed invention in relation to its use with a removable pad.

Further, the combined teachings of the references fail to disclose or suggest the recited embodiment. There is no motivation to combine the references in the manner asserted by the Examiner, whereby the cuffs of the reusable underwear of Coates could be combined with the disposable diaper of Watanabe. Further, while the Examiner makes reference to various end portions of Coates underwear which can be folded over the cuffs, such an embodiment cannot logically be combined with the teachings of Watanabe. For instance, it is clear that the cuffs of Coates are intended to hold the absorbent pad in place. By contrast, in applicants' invention, the cuffs are not intended

to serve such a purpose. There is thus no motivation in the respective references to modify Watanabe in the manner asserted by the Examiner.

The rejection is thus without basis and should be withdrawn.

Rejection of Claims 2, 3 and 5 Under 35 USC 103(a)

Claims 2 and 3 stand rejected under 35 USC 103(a) as being unpatentable over Watanabe et al '353, further in view of Coates and Takabayashi et al. Claim 5 stands rejected under 35 USC 103(a) as being unpatentable over Watanabe et al '353 in view of Coates and Iskra.

These rejections respectfully are traversed.

The basic difference between claim 1 and claim 2 is that claim 2 further provides that the body surrounding elastic members are disposed between an outer sheet and the anti-leakage sheet, and form gathers at the side portions of the diaper. Again, as noted above, claim 2 is amended to more clearly describe the structure of the exterior member which is not taught by the art.

The deficiencies of Watanabe et al and Coates are discussed above.

The cited secondary references of Takabayashi et al and Iskra do not cure the deficiencies of Watanabe et al and Coates, and as such their combination with the teachings of Watanabe et al and

Coates et al are incapable of rendering obvious the invention as recited in any of the rejected claims.

Takabayashi et al teaches the formation of gathers at column 7, lines 28-29, with the elastic member being placed between topsheet 2 and covering sheet 9 (column 8, lines 47-55 and Figure 6).

However, the reference fails to teach or suggest the use of a liquid-impermeable anti-leakage sheet disposed between absorbent 4 and cover sheet 9 (Figure 6), which corresponds to applicants' inner sheet 13. Further, the gathers of Takabayashi are also not cut at the middle portion of the diaper after being disposed on the outer sheet 12.

Indeed, no motivation is found in any of the cited art that would allow one of ordinary skill in the art to arrive at the present invention as claimed. Absent such motivation in the cited art the outstanding rejections are not sustainable.

The rejection is thus without basis and should be withdrawn.

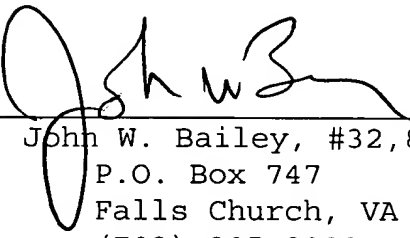
In view of the above, the application is believed to be in condition for allowance, and an early indication of same is earnestly solicited.

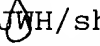
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension
of time fees.

Respectfully submitted,

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